

DOA: 2/27/2024

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America
v.
Ramon Luna-Rodriguez,
a.k.a.: Ramon Luna Rodriguez,
A #087 908 362

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Case No.

24-3064MS

*Defendant***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about February 18, 2024, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, United States Code, Section 1326(a), an offense described as follows:

Ramon Luna-Rodriguez, an alien, was found in the United States at or near Phoenix, Arizona, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 2, 2021, and not having obtained the express consent of the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CHARLES BAILEY

Digitally signed by CHARLES BAILEY
Date: 2024.02.28 12:16:49 -07'00'

AUTHORIZED BY: Charles E. Bailey Jr., P.S. for AUSA Diamond Zambrano

☒ Continued on the attached sheet.

MYRIAM R MCGUIRE

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Date: 2024.02.28 13:48:46 -07'00'

Complainant's signature

Myriam R. McGuire,
Deportation Officer

Printed name and title

Sworn to telephonically.

Date: February 28, 2024

M Morrissey

Judge's signature

City and state: Phoenix, Arizona

Michael T. Morrissey,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Deportation Officer Myriam R. McGuire, declare under penalty of perjury that the following is true and correct.

1. I am a Deportation Officer. I have learned the facts recited herein from direct participation in the investigation and from the reports and communications of other agents and officers.
2. On or about February 18, 2024, officers with the Mesa Police Department arrested and booked Ramon Luna-Rodriguez into the Maricopa County Jail (MCJ), located in Phoenix, Arizona, on local charges. While Luna-Rodriguez was incarcerated at the MCJ, ICE agents interviewed him and determined him to be a citizen of Mexico, unlawfully present in the United States. On the same date, an immigration detainer was lodged with the MCJ for Luna-Rodriguez. On or about February 27, 2024, Luna-Rodriguez was released to ICE custody and transported to the Phoenix ICE office for further investigation and processing. Luna-Rodriguez was held in administrative custody until his identity could be confirmed and his immigration and criminal history could be obtained.
3. Immigration history checks revealed Ramon Luna-Rodriguez to be a citizen of Mexico and a previously deported alien. Luna-Rodriguez was removed from the United States to Mexico through Nogales, Arizona, on or about February 2, 2021, pursuant to a final order of removal issued by an immigration official. There is no record of Luna-

Rodriguez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his last removal. Luna-Rodriguez's immigration history was matched to him by electronic fingerprint comparison.

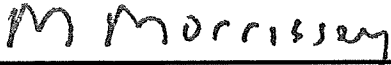
4. Criminal history checks revealed that on or about February 1, 2021, Ramon Luna-Rodriguez was convicted of Reentry of Removed Alien, a felony offense, in the United States District Court, District of Arizona. Luna-Rodriguez was sentenced to time served imprisonment, and one (1) year of supervised release. Luna-Rodriguez's criminal history was matched to him by electronic fingerprint comparison.
5. On or about February 27, 2024, Ramon Luna-Rodriguez was advised of his constitutional rights. Luna-Rodriguez freely and willingly acknowledged his rights but did not agree to provide a statement under oath.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about February 18, 2024, Ramon Luna-Rodriguez, an alien, was found in the United States at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, or removed from the United States at or near Nogales, Arizona, on or about February 2, 2021, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

7. This affidavit was sworn to telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed the affidavit and the attachments to it, and attest that there is sufficient evidence to establish probable cause that the defendant violated Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

MYRIAM R MCGUIRE Digitally signed by MYRIAM R MCGUIRE
Date: 2024.02.28 13:52:12 -07'00'

Myriam R. McGuire,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to telephonically on
February 28, 2024



Michael T. Morrissey,
United States Magistrate Judge